



D. Craig Martin

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August 11, 2005

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: WideOpenWest Cleveland, LLC
WideOpenWest Illinois, LLC
WideOpenWest Michigan, LLC
WideOpenWest Ohio, LLC

SUBSCRIBER NOTIFICATION AND ACKNOWLEDGEMENT STATUS
AND COMPLIANCE REPORT
WC Docket No. 05-196

Dear Ms. Dortch:

BACKGROUND

WideOpenWest, also known as WOW! Internet, Cable and Phone (“WOW!”), is a cable television company that operates in four regions—Chicago, Illinois (WideOpenWest Illinois, LLC); Cleveland, Ohio (WideOpenWest Cleveland, LLC); Columbus, Ohio (WideOpenWest Ohio, LLC); and Detroit, Michigan (WideOpenWest Michigan, LLC). WOW! began offering IP-enabled phone service to its cable customers in February 2005.

In accordance with *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 2005 WL 1323217, FCC, (rel. Jun 3, 2005) (“*VoIP E911 Order*”) and the July 26, 2005 Public Notice issued by the Enforcement Bureau in the referenced docket (“*Public Notice*”), the following sets forth WOW’s Subscriber Notification Report for each of the entities identified above.

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www.wowway.com

**SUBSCRIBER NOTIFICATION AND ACKNOWLEDGEMENT STATUS AND
COMPLIANCE REPORT**

• **Actions Taken to Advise Subscribers of E911 Limitations**

WOW! has provided to all of its customers no less than four (4) E911 Limitations Advisories or access opportunities to such Advisories (with existing customers receiving five (5) E911 Limitations Advisories or access opportunities), with each such Advisory or access opportunity described below. Additionally, from the inception of WOW's offering of VoIP services, all customers have acknowledged in writing that they have read and understood the E911 Limitations of their WOW Phone service (and, in that sense, WOW reserves the right to assert existing compliance with the VoIP E911 Order without the necessity of any further action).

1. Upon the commencement of offering VoIP Phone services (and well before the *VoIP E911 Order*), WOW! provided its customers with advisory information concerning the differences between the WOW! E911 service and the 911 service available from traditional telephone companies in a manner consistent with the *VoIP E911 Order*. Among other things, each new WOW! phone customer is presented with and required to sign a Work Order at the time of installation of service in which the customer specifically acknowledges having “read, understood and agree[d] to the contractual terms set forth in this Work Order.” The Work Order is accompanied by the Terms of Service which, under the heading “**Limitations of Service Affecting Access to 911 Services**”, clearly and prominently advises customers of the actual capabilities and limitations of WOW!’s E911 services.¹ In relevant part, these Terms of Service are reproduced as follows in the exact language and format as presented to WOW! customers prior to issuance of the *VoIP E911 Order*:

Limitations of Service Affecting Access to 911 Services:
Customer acknowledges and understands that:

- a) The Service does not function in the event of power failure. **IF THE ELECTRICAL POWER AND/OR WOW!'S CABLE NETWORK OR FACILITIES ARE NOT OPERATING, WOW! PHONE, INCLUDING THE ABILITY TO ACCESS EMERGENCY 911 SERVICES, MAY NOT BE AVAILABLE.**

¹ As of the date of this Report, the Work Order itself also provides a “PHONE SERVICE E911 ADVISORY” set forth in prominent all capital letter type with each new customer being required to specifically acknowledge having “read and understood the PHONE SERVICE E911 ADVISORY.”

- b) The address associated with an E911 call is the authorized address where Service was originally provided. Movement of the advanced cable modem from the original service location will result in the identification of the E911 call from the original service location. Customer is required to notify WOW! of any change of address of the voice enabled advanced modem for E911 calling service to work properly.
 - c) From time to time, WOW! will provide scheduled and unscheduled maintenance to customer premises equipment and the WOW! network, during which time the Service, including access to E911, will not function. No prior customer notification of unscheduled maintenance will be provided, while advance customer notification of scheduled maintenance will be provided solely by posting on our website at www.wowway.com. WOW! will make a commercially reasonable effort to schedule maintenance of an expected duration of less than two hours after 12:00 a.m. and before 5:00 a.m. local switch time. Scheduled maintenance that requires a longer duration may be scheduled to begin at 9:00 p.m. local switch time.
2. From the commencement of its VoIP Phone Service, WOW! has included on its website (www.wowway.com) both the Terms of Service and FAQs that describe in detail the functionality and limitations of the WOW! E911 service.
3. Following issuance of the *VoIP E911 Order*, WOW! sent on July 25, 2005, by First Class U.S. mail to its existing customers a letter describing how the E911 service offered by WOW! may be limited by comparison to traditional E911 service. The letter contains the following E911 Limitations Advisory:

WOW! Phone service allows you to access E911 services. You will not be able to access E911, however, in the event of: (i) a power outage beyond the duration of back-up power sources (WOW! provides a battery back-up that will last approximately 4 hours); (ii) a network outage; or (iii) any period during which when your broadband connection is unavailable. The address associated with an E911 call is the original WOW! service address on record. If the advanced modem is moved to another address, calls to E911 using that modem will still identify the original service address. Therefore, do not move your WOW! provided

advanced modem without notifying WOW! at 1-866-496-9669 of the new service address.

With that correspondence, WOW! also provided to each customer: (a) a copy of its E911 FAQs; and (b) warning stickers as prescribed by the *VoIP E911 Order* to be placed on or near the equipment used to provide VoIP service.

4. WOW! has supplemented its website to include a clear “911 Service” link, which takes the customer directly to the E911 FAQs.

5. In July 2005, WOW! established with Third Party Verification, Inc. (“3PV”), a nationally-recognized third party verification provider, a telephone initiative to secure affirmative acknowledgment from WOW!’s existing customers that they received and understood the E911 Limitations Advisory. As described below, however, the success of this initiative has been extremely limited. Accordingly, WOW! is embarking on a dual campaign to obtain affirmative acknowledgements through direct mail and email.

- **Quantification of Affirmative Acknowledgement from Subscribers**

As of the date of this Report, WOW! has received affirmative acknowledgement of the E911 Limitations Advisory in the form of Work Order acknowledgements from 100% of its customers. Nonetheless (and without waiving the right of WOW! to assert that the processes used by it since the launch of its Phone Service satisfy the customer notification and acknowledgment requirements prescribed by the Commission), WOW! continues a separate initiative described above for obtaining affirmative acknowledgements. As of the date of this report, approximately 7% of WOW!’s existing phone customers have provided an additional affirmative acknowledgement through this initiative. Based on the success rate of WOW!’s outbound calling campaign, WOW! estimates that it will not receive the additional affirmative acknowledgment from 60% of its customers by August 29, 2005.

- **Distribution of Warning Stickers to Subscribers**

WOW! has provided to 100% of its customers warning stickers as prescribed by the *VoIP E911 Order* to be placed on or near the equipment used to provide VoIP service. For new customers, WOW! places the warning sticker directly on the premises equipment at the time of installation.

- **Quantification of Subscribers Not Receiving Advisory or Warning Stickers**

NONE.

- **Subscribers Who Do Not Affirmatively Acknowledge—Operator Actions**

WOW! intends to comply with the *VoIP E911 Order* and *Public Notice*.

- **Maintenance of Subscriber Acknowledgements**

WOW! presents for review and signature a Work Order to its new customers at the time of installation of service. WOW! retains a hard copy of the customer-executed Work Order.

As described above, additional affirmative acknowledgements will be maintained in the form of audio recordings, digital signatures and hard copy.

- **Contact Information of Person Responsible for WOW!'s Compliance**

If you have any questions regarding this Report or require any additional information, please contact:

Craig Martin, General Counsel
WOW! Internet, Cable and Phone
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Kalamazoo, Michigan 49007
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**REQUEST FOR ADDITIONAL TIME TO SECURE
AFFIRMATIVE ACKNOWLEDGMENT**

As stated above, WOW!, from the time it launched its VoIP Phone Service, informed its customers of the limitations of its E911 service and required that its customers sign a Work Order acknowledging an agreement to and understanding of WOW!'s Terms of Service. Despite the fact that WOW! believes that the processes used by it since the launch of its Phone Service satisfy the customer notification and acknowledgment requirements prescribed by the Commission, WOW! has retained the services of 3PV to place telephone calls to each of WOW!'s phone customers. Based on the success rate of WOW!'s outbound calling campaign, WOW! estimates that it will not receive the additional telephone acknowledgment from roughly 60% of its customers by August 29, 2005. In the event that the Commission determines that this additional telephone affirmative acknowledgment is required in order for WOW! to satisfy the requirements of the *VoIP E911 Order*, WOW! will be required to disconnect roughly 60% of its customers as of August 30, 2005. In that event, WOW! respectfully requests that the Commission grant it until November 29, 2005 (the date upon which the *VoIP E911 Order*

compliance letter must be provided to the Commission) within which to secure affirmative telephone acknowledgments from its existing phone customer base, for these reasons:

1. Unlike many VoIP providers, WOW! does not require its phone customers to subscribe to its Internet service. Consequently, WOW! does not maintain a comprehensive email database that can be used to quickly, efficiently and economically secure affirmative acknowledgement from its phone customers. Instead, in order to comply with the August 29, 2005 deadline, WOW! has retained at considerable expense to WOW! a third party verification company to obtain affirmative acknowledgement through the placement of recorded outbound calls to each of WOW!'s existing phone customers. To successfully receive affirmative acknowledgement, this verification initiative requires, among other things, that the customer be available when called and be willing to submit to the verification process. These pre-conditions are not predictable, thus necessitating multiple calls which given our existing customer base is not achievable by August 29, 2005. Based on the current "success" rate of this calling campaign, WOW! will be required to disconnect about 60% of its phone customers. With additional time, WOW! believes that it can ultimately secure all the required acknowledgements.
2. WOW! has notified its customers of the E911 limitations in at least four different ways—through its work order and terms of service, through its website FAQs, through a separate special mailing, and finally through direct outbound calls. Based on these efforts, it is unlikely that a WOW! phone customer is unaware of the E911 limitations. Importantly, no WOW! customer has yet asked to disconnect phone service based on the E911 Limitations Advisories.
3. Unlike nomadic VoIP providers such as Vonage Holdings Corp., WOW!'s Phone service is limited to a fixed-base which precludes the customer from moving to another address and porting the service without prior notification to the affected PSAP's. Accordingly, the E911 risks associated with nomadic VoIP providers do not arise with WOW!'s VoIP service.

WOW! is diligently pursuing the affirmative acknowledgment process, but requires additional time to comply. Based on the multiple E911 Limitations Advisories already provided by WOW! to its phone customers, the current affirmative acknowledgement process implemented by WOW! and the fact that WOW!'s customers are specifically precluded from re-locating their VoIP service to another address, the likelihood of harm is *de minimis*. Ironically, the customers themselves will be harmed should WOW! be forced to hard disconnect 60% of its customers on August 30, 2005, as they will no longer have E911 services and their number will not be portable. Accordingly, WOW! respectfully requests that the Commission grant it until November 29, 2005 (the date upon which the

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***VoIP E911 Order* compliance letter must be provided to the Commission) within which to secure affirmative acknowledgments from its existing phone customer base.**

Very truly yours,

WOW! Internet, Phone and Cable

D. Craig Martin
General Counsel

cc: Byron McCoy, Telecommunications Consumers Division (by email)
Kathy Berthot, Deputy Chief, Spectrum Enforcement Division (by email)
Janice Myles, Competition Policy Division, Wireline Competition Bureau (by email)
Best Copy and Printing, Inc. (by email)